

**Ruth Nettles**

---

**From:** John W. McWhirter [jmcwhirter@mac-law.com]  
**Sent:** Friday, October 10, 2008 1:44 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Bill Levens; Burnett, John ; Charles Beck; Cheryl Martin; Doc Horton; 'Jeffrey Stone'; Jim Beasley; Joe McGlothlin; 'John McWhirter'; 'Lee Willis'; 'Natalie Smith'; Patty Christensen, Esq.; Paula K Brown; Russell Badders, Esq.; Steven Griffin; Susan D. Ritenour ; Wade Litchfield  
**Subject:** Dkt 080002-EI FIPUG prehearing statement  
**Attachments:** FIPUG Dkt 080002-EI prehearing statement.doc

1. John W. McWhirter, Jr., PO Box 3350 ,FI 33601-3350, [jmcwhirter@mac-law.com](mailto:jmcwhirter@mac-law.com) is the person responsible for this electronic filing;
2. The filing is to be made in Docket 080002-EI, In re:ECCRC The filing is made on behalf of the Florida Industrial Power Users Group;
3. The total number of pages is 4; and
4. The attached document is The Florida Industrial Power User Group's Prehearing Statement

John W. McWhirter, Jr.

PO Box 3350

Tampa, FI 33601-3350  
813 2240866  
813.505.8055 cell  
813.221.1854 FAX

DOCUMENT NUMBER - DATE

09600 OCT 10 8

10/10/2008

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy Conservation Cost Recovery Clause

DOCKET NO. 080002-EI

FILED: October 10, 2008

**THE FLORIDA INDUSTRIAL POWER USERS GROUP'S  
PREHEARING STATEMENT**

The Florida Industrial Power Users Group (FIPUG) hereby files its Prehearing Statement, in compliance with Order No. PSC-08-0168-PCO-EG Rendered: March 20, 2008, establishing the prehearing procedure in this docket.

:

**A. APPEARANCES:**

JOHN W. MCWHIRTER, JR., PO Box 3350, Tampa, Florida 33601-3350,  
On Behalf of the Florida Industrial Power Users Group.

**B. WITNESSES:**

None.

**C. EXHIBITS:**

None at this time. However, FIPUG reserves the right to utilize appropriate exhibits during cross-examination.

**D. STATEMENT OF BASIC POSITION:**

As a matter of general principle FIPUG contends that it would be in the interest of energy efficiency for the Commission to direct those utilities that have filed or contemplate filing a base rate case in the near term to roll all fixed conservation costs into base rates. FIPUG further recommends that the Commission revise the RIM test to encourage energy efficiency rather than focusing primarily on the benefits of delaying the construction of utility owned power plants. Prolonging the life of inefficient power plants benefits utility earnings while customers bear the increased fuel cost. FIPUG respectfully suggests that the Commission focus on distributed generation and rewarding customer originated conservation programs. These issues are important and relevant to conservation cost recovery, but have not been raised by the utilities filing evidence in this proceeding and may be addressed in other pending dockets.

**E. STATEMENT OF ISSUES AND POSITIONS**

**GENERIC CONSERVATION COST RECOVERY ISSUES**

DOCUMENT NUMBER-DATE

09600 OCT 10 08

FPSC-COMMISSION CLERK

**ISSUE 1:** What are the final conservation cost recovery true-up amounts for the period January 2007 through December 2007?

**POSITION:** FIPUG has no position at this time.

**ISSUE 2:** What are the actual/estimated conservation cost recovery true-up amounts for the period January 2008 through December 2008?

**POSITION:** FIPUG has no position at this time.

**ISSUE 3:** What are the total conservation cost recovery amounts to be collected during the period January 2009 through December 2009?

**POSITION:** FIPUG has no position at this time.

**ISSUE 4:** What are the conservation cost recovery factors for the period January 2009 through December 2009?

**POSITION:** FIPUG has no position at this time.

**ISSUE 5:** What should be the effective date of the new conservation cost recovery factors for billing purposes?

**POSITION:** The first billing period in January 2009.

**COMPANY-SPECIFIC CONSERVATION COST RECOVERY ISSUES**

**Tampa Electric Company**

**ISSUE 6:** What is the Contracted Credit Value for the GSLM-2 and GSLM-3 rate riders for Tampa Electric Company for the period January 2009 through December 2009?

**POSITION:** FIPUG has no position at this time.

**ISSUE 7:** What are the residential Price Responsive Load Management (RSVP-1) rate tiers for Tampa Electric Company for the period January 2009 through December 2009?

**POSITION:** FIPUG has no position at this time.

**F. EXHIBITS**

None.

**G. PENDING MOTIONS OR OTHER MATTERS:**

None.

**H. PENDING CLAIMS OF CONFIDENTIALITY:**

None.

**I. OBJECTIONS TO WITNESS' QUALIFICATIONS AS AN EXPERT**

None.

**J. COMPLIANCE WITH PROCEDURAL ORDERS:**

FIPUG has not identified any portion of the procedural orders that it cannot obey.

Respectfully submitted,

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading was furnished to the following, by electronic mail, on this 10th day of October, 2008:

John T. Burnett/R.Alexander Glenn  
Progress Energy Service Company, LLC  
Post Office Box 14042  
St. Petersburg, FL 33733-4042

Paula K. Brown  
Tampa Electric Company  
P. O. Box 111  
Tampa, FL 33601-0111

Paul Lewis, Jr.  
Progress Energy Florida, Inc.  
106 East College Avenue, Suite 800  
Tallahassee, FL 32301-7740

Lee L. Willis/James D Beasley.  
Ausley Law Firm  
PO Box 391  
Tallahassee, FL 32301

J.R. Kelly, Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison St., Room 812  
Tallahassee, FL 32399-1400

R. Wade Litchfield & John T. Butler  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach FL 33408-0420

Katherine E. Fleming  
Senior Attorney  
FLORIDA PUBLIC SERVICE COMMISSION  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399-0850

Susan D. Ritenour  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0780

/s/ John W. McWhirter, Jr.  
John W. McWhirter, Jr.  
PO Box 3350  
Tampa, FL 33601-3350  
Attorney for FIPUG

Beggs & Lane Law Firm  
J. Stone/R. Badders/ S. Griffin  
Post Office Box 12950  
Pensacola, FL 32591